

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

NICE GLASS, LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:18-CV-01835-NCC
)	
COLL FINANCIAL HOLDINGS, LLC,)	
<i>d/b/a C2 Fibers, LLC,</i>)	
RENEE COLL, and BRIAN COLL,)	
)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendants’ Motion to Dismiss Plaintiff’s Complaint and for Judgment on the Pleadings (Doc. 9).¹ This case was removed to this Court on October 26, 2018 (Doc. 1). On November 2, 2018, Defendants filed this Motion to Dismiss. On November 9, 2019, Plaintiff responded by filing a First Amended Complaint (Doc. 12) and Memorandum in Opposition to the Motion to Dismiss (Doc. 11).

Because Plaintiff filed its First Amended Complaint within twenty-one days of the filing of Defendants’ Rule 12 motion, it had the right to amend once as a matter of course. *See* Fed. R. Civ. P. 15(a)(1)(B). The First Amended Complaint supersedes the original complaint and renders it without legal effect. *See Thomas v. United Steelworkers Local 1938*, 743 F.3d 1134, 1140 (8th Cir. 2014). As a result, pending motions pertaining to the original complaint should be denied as moot, without prejudice to the filing of motions concerning the amended complaint. *See Pure Country, Inc. v. Sigma Chi Fraternity*, 312 F.3d 952, 956 (8th Cir. 2002); *see also*

¹ The parties have consented to the jurisdiction of the undersigned United States Magistrate Judge pursuant to 28 U.S.C. 636(c)(1) (Doc. 14).

Phoenix Entm't Partners, LLC v. Ryco Enters., LLC, 306 F. Supp. 3d 1121, 1123 n.1 (E.D. Mo. 2018) (denying motion to dismiss the initial complaint as moot).

Accordingly,

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss Plaintiff's Complaint and for Judgment on the Pleadings (Doc. 9) is **DENIED, as moot**, without prejudice.

IT IS FINALLY ORDERED that, pursuant to Fed. R. Civ. P. 15(a)(3), Defendants shall have fourteen (14) days from the date of Plaintiff's filing of its First Amended Complaint to respond to the First Amended Complaint.

Dated this 14th day of November, 2018.

/s/ Noelle C. Collins
NOELLE C. COLLINS
UNITED STATES MAGISTRATE JUDGE